

MICHAEL F. EMIG et. al.  
Serial No.: 10/790,299

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### REMARKS

Claims 1-20 remain before the Examiner for reconsideration..

In the Office Action dated February 4, 2005, the Examiner rejected claims 1-4, 6, 11, 15-17 and 20, under the judicially created doctrine of obviousness-type double patenting "as being unpatentable over claims 1-3 & 5 of U.S. Patent No. 6,699,219." Specifically, the Examiner asserted that: "Although the conflicting claims are not identical, they are not patentably distinct from each other, because it is obvious to make a claim broader by removing an element or its function."

In the interest of expedient prosecution, Applicants have submitted herewith a Terminal Disclaimer to Obviate a Double Patenting Rejection of a Prior Patent and the appropriate fee in connection therewith. In that regard, the Commission is authorized on the Terminal Disclaimer to charge the associated fee to Deposit Account 02-1065. The Terminal Disclaimer is submitted herewith in duplicate.

The submission of the Terminal Disclaimer is not an admission that the Examiner's rejection of claims 1-4, 6, 11, 15-17 and 20, under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 and 5 of U.S. Patent No. 6,699,219 is proper.

The Examiner also objected to claims 5, 7-10, and 18-19 "as being dependent upon a rejected base claim." The Examiner further indicated that claims 5, 7-10 and 18-19 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Applicants respectfully assert that claims 5, 7-10, and 18-19 are allowable in view of the Terminal Disclaimer submitted herewith.

Applicants also acknowledge the Examiner's indication that Claims 12-14 are allowed.

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In view of the above remarks, applicants respectfully requests that the Examiner, indicate the allowability of the claims and arrange for an official Notice of Allowance to be issued in due course.

Respectfully submitted,

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